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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition Nos. 35558 to 35572 /1993

1. K.V. Sarojamma,
c/o Narayana,
No.23/13, 2nd Cross,
Vinayakanagar,
Mysore-12;
2. R. Vishweshwaraiah,
s/o Ramaswamy,
No.905, 23rd Cross,
4th Main, Jayalakshmipuram,
Bangalore-12;
3. Mangalamba,
d/o Kalappa, Induvala,
Mandya District;
4. Sundaramma,
w/o Dr. K. Puttaswamy,
No.1A-2, 4th Main,
7th Cross, Saraswathipuram,
Mysore;
5. Sheela,
d/o Dr. K. Puttaswamy,
No.1A 2, 4th Main,
7th Cross, Swaraswathipuram,
Mysore
6. Logamba,
w/o Shanmugan,
692, B.B. Gardens,
Mysore-1;
7. K.R. Somashekar Gupta,
s/o Krishnan Ramanatha,
Setty, 426, Ashoka Road,
Mysore;

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8. Threerjavathi,
w/o B.R. Vishwanath,
271, Ashoka Road,
Mysore;
9. R. Gopi Kumar,
s/o Ramkumar Gupta,
117, Ashoka Road,
Mysore-1;
10. K. Chandrashekar Setty,
s/o A.L. Krishna Shetty,
No.3021, K.T. Street,
Mandi Mohalla, Mysore;
11. Smt. K.S. Rajalakshmi,
w/o K.M. Subbaraya
Shetty, No.L423,
Ashoka Road, Mysore;
12. Smt. Rukmini Swamy,
w/o M.V. Venkataswamy Setty,
D.No.544, Kalamma Temple
Street, Mysore-1;
13. Sri M.D. Raja Gopi Chand,
s/o late M.D. Dhakshina
Murthy, 'Sunrise' 1510,
Irvin Road, 5th Cross,
Mysore;
14. Smt. Ratha S. Shetty,
w/o T. Srikanta Shetty,
D.212/5, Tank Bund Road,
Indiranagar, Mysore-10;
15. Siddaraju,
s/o Siddappa,
No.79, 3rd Cross,
North of Gokulam,
Mysore

..Petitioners

(By Sri P.R. Ramesh, Advocate)

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-Vs-

1. State of Karnataka,
represented by its Secretary
to Government,
Housing and Urban Development
Department, M.S. Building,
Bangalore-1;
2. The Mysore Urban Development
Authority, Mysore, by its
Chairman;
3. Screening Committee by its
Chairman, Mysore Urban Dev.
Authority .. Respondents
(By Sri A. Nagarajappa, AGA, for R1;
Sri P.S. Manjunath, Adv., for R2 & R3)

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Writ Petitions are filed praying to direct the
respondents not to take any action to dispossess the
petitioners.

These writ petitions coming on for orders
this day, the Court made the following:-

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Sri Nagarajappa, learned AGA, is directed to take notice for first respondent. Sri P S Manjunath and Sri Shivaramu, who appear for respondent No 2, also take notice for respondent No 3. These matters are heard finally and disposed of by this order.

2. Learned counsel submit that similar matters have been disposed of by this court, directing the petitioners therein to approach the civil court.

3. The petitioners claim that they are the holders of site Nos 4, 25, 5, 12, 52, 30, 19, 18, 24, 18, 11, 29, 34 & 33, 20 and 6 in Sy No 1 of Vijayashreepura, Kasaba Hobli, Mysore taluk. The measurements and boundaries of said sites are given in Annexure 'A'. Admittedly, there is no registered sale deeds conveying the said sites in favour of the petitioners nor have the petitioners stated in the petition the manner in which they have acquired the title or possession of the said sites. They, however, claim that they have put up construction in the said sites and are residing

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therein. The petitioners claim that the second respondent has taken ~~action to~~ ^{a decision} to regularise the possession in regard to the unauthorised constructions by receiving certain amount as fine or penalty for regularisation. The petitioners also contend that they are also entitled to regularisation. They, however, apprehend that even before their case for regularisation was considered, they maybe dispossessed by the second respondent. Hence, the petitioners have filed these petitions seeking a direction to the respondents, in particular second respondent, not to take any action to dispossess the petitioner from the sites in question.

4. This court on 8-10-1993, while issuing emergent notice, granted interim stay of demolition of the properties, subject to the condition that the petitioners shall not proceed with further construction of the buildings and that if they proceed with the further construction, the authorities are free to take such action in accordance with law.

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5. As ~~stated~~^{noticed} above, the petitioners have not produced any documents to show that they have the title or possession in regard to the said sites. They ~~have~~^{are} not registered as khatedars in regard to the sites in question. They have not made any application for regularisation. Having regard to the provisions of the Karnataka Regularisation of Unauthorised Constructions in Urban Areas Act, 1991, there can be no regularisation in regard to the land which vested in an authority. According to the second respondent, the sites claimed by the petitioners are situated in a land which has been acquired by it and vested in it. It is, however, not necessary to examine this aspect of the matter, as similar cases have been disposed of by this court directing the petitioners therein to approach the civil court, if they have any title or possession and if they are dispossessed. Hence, following the said decisions, these petitions are also disposed of, reserving liberty to the petitioners to approach the civil court if they have either valid title or possession and if there is any threat to their title or possession. Parties shall maintain status quo for a period of one months from today, to enable the affected petitioners to seek relief in civil court.

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Sri Nagarajappa, learned AGA, is permitted to file memo of appearance and Sriyuths P s Manjunath and Shivaramu are permitted to file vakalat within six weeks.

Sd/-
JUDGE

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